ARTIST VS TATE GALLERY - RELIGIOUS DISCRIMINATION CASE (2005-8)

By Anthony D Padgett

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INTRODUCTION

This book is a collection of writings by Anthony Padgett about his Employment Tribunal case against the Tate Gallery over Religious Discrimination in 2004-5.
This was a genuine legal case that was also a piece of conceptual art. This will not seem so strange when the reader learns that included in the Tate collection is work by the artist Hans Haacke, who promoted “institutional critique” against the Guggenheim museum's trustees’ connections to slum landlords in the 1971 *Shapolsky et al. Manhattan Real Estate Holdings, A Real Time Social System, as of May .* This piece of conceptual art was pulled from the show and curator Edward Fry was fired for his support.

Whilst Padgett’s case was finally blocked it was a piece of protest art that presented a moral victory. It made a significant contribution to a change in culture over discrimination issues within the Tate Gallery. These changes included the appointment of a discrimination officer. Because these changes are not enough, and because there will never be an admission of the impact of Padgett’s case, this book is presented as a partial record of a significant event in the promotion of artistic and religious freedom and equality. It is a very small selection of information from the mass of legal documents created from the case. These documents were exhibited for a month next to Tate Liverpool (see images on the cover) in 2007 and subsequently at Liverpool Biennial Independents.

The case was largely ignored by press, media and art world. The Guardian and The Times newspapers, Frieze art magazine and Art Monthly made some attempts to cover the story but reduced the artist's religion to Christianity rather than Postmodern Religious Art. The issues and problems around institutional discrimination remain with the art world still. The publishing of this book is statement that this event occurred. Despite not giving the event any place within art or religious history. Neither the case nor Padgett's art from the period have been recognised.

The artwork came from a place of faith and as such can appear to come from a place of irrationality to an outside observer who does not have faith. It can appear to someone who has faith as simply wrong. The work itself was trying to engage with both holding faith and not holding faith in our current age. Hence the notion of Postmodern Religious Art which is key to the work. Without a genuine attempt to engage with faith the artwork would have been hollow and without sincerity. Yet being Postmodern it actively engaged with the difficulty of being sincere within our current age.

Padgett has a BA in Philosophy, a PGCE in Teaching Secondary School Religious Education, a PG Diploma in the Conservation of Architectural in Stone Conservation and an MA in Theory of Contemporary Art & Performance.

From 1995 -1999 he worked with the British

School of Archaeology in Jerusalem, the Israeli Antiquities Authority, the Palestinian Department of Antiquities, Lancaster University Archaeological Unit and the Historic American Buildings Survey, Washington D.C.

From 1999-2005 his art was in numerous group and solo exhibitions, and he was an Artist-in-Residence at Loughborough University, the winner of the About Vision Art & Technology Award (London), a finalist in the International Jewish Artist of the Year Award 2004, an A-foundation commissioned artist for Liverpool Biennial 2004 and a performer at Edinburgh Fringe 2005.

His work has been featured in the Guardian, the Mail on Sunday, Times Online, Times Educational Supplement and BBC Radio 4. He has given talks about contemporary religious art at various venues, including the New York Studio School of Art, the Institute of Contemporary Art and Tate Modern.

Since the case I had a break from making art. Then I changed direction. I began compiling books on Art and Religion and novels and short stories, including “Tales From The Old Coffee House” and “Murder At The Midland Hotel”. And whilst I had lost my incentive to look at these and ideas in art I was inspired, for family reasons, to start making work around historic poets, beginning with a bust of my Great Great Uncle Humbert Wolfe. This was a technical exercise in representation and was accompanied with a great deal of biographical research.

From here I created a bust of the poet Wilfred Owen. No public sculpture of him existed before my work. It then led me to consider creating a bust of an artist whose work I admired, Vincent Van Gogh. To get a feel for the life of the artist I decided that, in addition to the biographical research, I would create a body of paintings that looked at their work. As my Tribunal Case had led me to question how art is selected and seen as art I was able to create a system for the creation of original art. This system I used to create a new style (a post-impressionist pixelated divisionism) and develop that in relation to Van Gogh in “A Year With Vincent” 2017. The next artist and artworks to look at was Pablo Picasso in “A Year With Picasso” 2018-2019. Again I created 100 oil paintings making a new response to issues and styles that Picasso used. From this I developed my own style and in 2020 decided to explore this in “A Year With Me”. This is a revisiting of work that I previously created, including Linear Expressionist versions of in situ works I created in the Holy Land (Israel and Palestine).

In the past couple of years I have also become a representative of the Aritsts Union of England and hope to help the industry become more supportive of artists.

1. Padgett vs Tate Gallery

This is adapted from part of my religious art novel “The Rainbow Swastika Conspiracy”. It is a dramatization of some of the case.

After 2 years this case was rejected on a technicality I turned to writing and put my artistic and religious life into a novel form, believing that the written word best captured the essence of religious art. In the novel I argue that the book is the highest expression of religion, for example the Bible, the Koran, the Bhagavad Gita, the Guru Granth Sahib.

The novel was an attempt to make sense of the artworld where there is no transparency in choices and not enough information is given to people and they are left guessing. Whilst I do not believe or condone some of the conspiracy views that the fictional book describes it was an attempt to put together coherent picture within a broader framework of ideas that were being proposed at the time. The descripition presented here of the case and my experiences in it are largely true and edited together for easy reading.

2. “A Definition Of Postmodern Religious Art”

This was Padgett’s definition of the notion of his religious stance “Postmodern Religious Art”. Here Padgett situates the movement in relation to pre-modernism, modernism, Late-Capitalism and the avant-garde.

3. Questionnaire

This is the questionnaire that Padgett submitted to the Employment Tribunals, concerning his belief that the Tate Galleries were exercising religious discrimination in the way that they selected artworks. This questionnaire gives the main arguments behind this claim.

Padgett sent this to the Employment Tribunal Sir Nicholas Serota and Tate Galleries over Religious Discrimination under The Employment Equality (Religion or Belief) Regulations 2003. The Tribunal case was a piece of art and an attempt to take control of state funded art away from corporate collectors and commercial galleries by protecting artists/performers rights (disability, race, sex, sexual orientation, age and religion). He sought to resist the culture of multinational collectors and their spreading globalisation. The case had implications for the UK and also for Europe as the EE Regulations 2003 are formulated out of the EU Employment Framework Directive (Directive 2000/78).

4. Letter to Prime Minister Mr. Tony Blair

This describes the difficulty in pinning down who is legally responsible for institutional and systemic discrimination. People can hide behind roles and corporate identities. After sending the letter to the government Padgett was sent round in circles, being told by them to contact the Employment Tribunal Services.

The letter also describes how Tate shut down the website of my artwork through threats to my webhost - on the grounds that they believed it broke copyright laws - and how I considered this impinged on my artistic freedom and that because artists in their collection broke copyright laws in relation to other institutions it was a double standard. And that this amounted to a form of victimization.

5. Exhibition Press Release

To prove that a Sugar Cube construction could be made Padgett created this next to Tate Liverpool to coincide with the Turner Prize (held at Tate Liverpool in 2007) Also on exhibition were selected case documents printed as 1.5 metre high protest banners.

6. & 7. Press Releases for the Appeal Hearing of the Religious Discrimination Case and the Result

The case was rejected by the Rt.Hon. Lord Justice Sedley of the Court of Appeal, Civil Division on 2 technicalities.

For the case to procede it needed showing that there was a rejection of the artist over the offer of a performance of work.

The Employment Appeal Tribunal had previously rejected the case on grounds that whilst Tate accepted Padgett's art proposal, a performance around the construction of a memorial to famous Unitarian Sir Henry Tate,

they did not need to have any work to offer him.

Padgett had contended that accepting a proposal means that there must be work to offer that the proposal was rejected for. These was a strong point and meant that whilst a proposal was accepted, it was proposal to place a work of art that was accepted. This meant there was no performance of work and instead was just the delivery of goods (and did not therefore fall under the discrimination employment law).

Despite this Sedley said that whilst discrimination may have occurred it would be too difficult to prove.

Padgett viewed these 2 rejections as spurious. On the first point because his proposal clearly stated that it was to be an Art Performance. The sculpture he would perform around was just a prop in the performance. On the second point because discrimination is shown by statistical analysis and the selections and works in the Tate would clearly demonstrate statistical bias.

Up to this point Padgett had defended himself against Tate’s counter arguments. As a legal requirement to continue any further with the case Padgett would’ve needed to employ a barrister. This was beyond Padgett’s financial means. And so the case was closed.

December 2020

1. Padgett vs Tate Gallery

The hotel door slammed and clicked. Anthony lifted his black trolley, loaded full of case notes and tribunal regulations, and strained to lower it gently down the steps. It landed with a thud. The wheels of the trolley scraped under the slight buckling.

Anthony looked handsome in his beard. Instead of his characteristic black he now wore a navy blue suit, with a light blue shirt and pink tie. Stephanie carried a shoulder bag, she was in a formal trouser suit and white shirt. Their shoes clicked against concrete paving and their trousers flapped across their shins. They began the day's journey, down the drab and dirty street, into the city.

Waves of rushing workers pretended not to notice that his suit was adorned with small religious items. His tie was patterned with different religious symbols, his tie clasp was a golden Buddha, his cuff-links were silver crosses and his ring was set with gems to represent the twelve Tribes of Israel. But standing out were his lapel badges. On one side was a golden Allah and on the other was an enamelled Rainbow Swastika.

They strode forwards, past tall grey Imperial offices. And as he pulled the trolley there was no fear or excitement, just the need to be punctual. His neck was clammy with perspiration and his heart tight felt tight as his chest expanded.

Heading down the steps from Blackfriars Tube station they passed along the Thames Embankment with its pillars and its lights on black iron stands.

He had begun a case at the Employment Tribunals, claiming that Sir Nicholas Serota, the Director of the Tate Gallery, was guilty of Religious Discrimination against him for not showing his work. He argued that the gallery only showed art that was offensive to Christians. He also argued that as the Prime Minister, Mr Tony Blair, was responsible for selecting the Director, then he was also guilty of Religious Discrimination.

He turned, to look the way they had come, and pointed beyond Blackfriars Bridge, across the river, to the tower of Tate Modern. ‘Look how close it is.’ Then he pointed, so that Stephanie’s eyes followed the river down, to where it bent around to the left. ‘Just beyond there is Parliament.’

Anthony was under no illusions. He had no naïve belief that the judicial system was fair. He knew that pressure would be brought to bear to exonerate the Director and the Prime Minister. He knew that the Laws of God were not reflected in the courts of man and that this was a battle against corruption, like Christ against the Pharisees. But he had faith, against all odds.

They waited for a break in the rushing traffic. Black cabs, white vans, black saloons, white vans. Then they crossed the road, towards a stone and red brick Georgian building. A brass

plaque announced that this was the "Employment Appeal Tribunal."

They entered under a carved and painted Royal Coat of Arms. The golden lion and white unicorn held a red shield, embossed with golden lions. It stood upon the motto. Anthony read it aloud. '"Dieu et mon droit," "God and my right." But who's God and who's right hand?'

At reception they were greeted with a board that stated, "BOMB THREATS – THE STATE OF ALERT IS NOW HEIGHTENED". They signed in and were brusquely instructed in procedures by a receptionist with unintelligible English. Anthony didn't want to ask her to repeat herself. He sensed that she would accuse him of being a racist. He took the power back by asking for a room in which to pray. It was a new request for her and she had to think quickly, knowing that it was her duty to provide one.

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Dust floated through the sun rays in the small, stuffy room that they were provided with. The dull growl and whoosh of traffic bounced off the plain white walls and was damped by the ribbed nylon of the grey carpet. He sat upright, the fabric on the chair clinging to his suit, and breathed deeply. He needed to compose himself.

'Can we pray?'

Stephanie nodded, taking her necklace to Oshumare in her fingers.

He scratched his beard as they composed themselves. They bowed, hands clasped. ‘Oh Lord God. I am not a good man, but please, God, help me with this case. But whatever your will, I will accept it. I know that…’

Before he could continue there were muffled foot steps in the corridor, a knock and the door was opened slowly.

‘Amen.’

‘Mr Padgett, the Tribunal is ready,’ said the clerk, a grey haired man with a beard.

They were ushered into the bright, sunlit, Tribunal Room, then directed to sit at the far side, facing a raised wooden table at the end of the room. The sunlight did not touch this end of the room. A plump Asian lady sat below the front of the table, preparing her notes. The clerk then took his seat to her left.

On the other side of the room to Anthony was the slick barrister, Tim Sheppard, of No 6 Chambers, and the large eyed Laura McCarthey, of Messers Baites, Wells & Braithwaite, solicitors for Tate. There was a light whisper of conversation between them.

Anthony put his trolley to the side and he pulled the chair from under the table. He was surprised how heavy it was. He sat with Stephanie at his side and methodologically began to get out his papers.

The clerk called, ‘Court rise,’ as he was shuffling industriously through his notes. He looked at the headings on his hearing notification, to double check the name of the Chairman. It was the Right Honourable Lord Justice Sir Stephen Steadfast of the Court of Appeal, Civil Division.

They all stood and the Chairman entered, with prematurely aged white hair. He took his place in the central chair then looked down his spectacles, at his notes.

‘Please sit.’ His tone was brusque but surprisingly relaxed. ‘Today’s case is to determine whether there has been discrimination within the Employment Equality (Religion of Belief) Regulations 2003. Mr Padgett, the Claimant, will represent himself, then Mr Sheppard will make the Respondent’s representions. The Claimant will then be able to make a final response before we hand down our Judgment. Is that understood?’

Anthony nodded.

‘Mr Padgett, as you may need to give evidence you are required to take an oath. Which Holy Book, if any, would you like to use?’

Anthony’s continued to shuffle. ‘Which do you have available?’

The Chairman closed his eyes as he took in the reply. He leant over to consult with the clerk

then looked up sternly. ‘The Bible, the Qur’an, the Bhagavad Gita or the Guru Granth Sahib?’

‘I’d like to use them all please, as accords with my religion.’

The Chairman’s face was dismissive, his tone withering. ‘Mr Padgett, you have to choose just one, and we cannot proceed unless you take an oath.’

Every other sound disappeared as Anthony paused for a moment, then repeated his words. ‘I’d like to use them all, as accords with my religion.’

The Chairman stopped. There was a thud as he opened a heavy book of regulations. Its thin paper rustled whilst he referred to the law, thumbing leaf after leaf. Finally he stared at Anthony. ‘Right, Mr Padgett, as you refuse to cooperate I will have to use the Chairman’s right to get evidence from you by request.’

‘I don’t refuse to co-operate, I just want to swear an oath according to my religion.’

‘Mr Padgett. Do you want to end the proceedings?’

Anthony shook his head.

‘We will begin by dealing with who the correct Respondent is. Mr Padgett, you have put Sir Nicholas Serota, however you have also included the Prime Minister, Mr Tony Blair.’

‘Yes, the Prime Minister chooses who to appoint as the Director.’

‘Clearly the Prime Minister is not directly responsible for the choices of artworks at the Tate, so you will have to drop Mr Blair or we cannot proceed.’

Anthony’s mouth went dry. He looked at the jug of water. ‘But the case is about how art is selected and the Prime Minister is pivotal. He appoints the Director, who selects the discriminatory art that the public “should” appreciate.’

‘Do I need to repeat myself? If you do not desist then I will call an end to these proceedings. You will be able to appeal my decision but if you are unsuccessful in your appeal you will be liable for full costs.’

Clearly pressure had been brought to bear. Clearly the Prime Minister didn’t want anything to dent his faith credentials. The Tribunal was beginning to have the same stink of corruption as the art world.

Anthony had waited 2 years for this Hearing, pursuing the case from the Employment Tribunal to the Employment Appeal Tribunal. The Tribunal just couldn’t see how an artist could be discriminated against by the nation’s foremost gallery let alone by the Prime Minister. So they had tried every trick in the book to dismiss his claim rather than let it go to a full hearing. He had outsmarted them at every turn but now, at the final stage, they had

him in a corner. If it went to appeal he would be bogged down in red tape for another year.

There was only one reply. He paused to pour himself a glass of water. It was luke-warm. ‘Alright, I agree to drop the Prime Minister from the case.’

‘Then we will amend the Respondent to just Sir Nicholas Serota.’ The Chairman scribbled some notes then leant forwards. ‘So let’s begin. Why exactly do you think there is discrimination against you in the art-world Mr Padgett?’

Anthony handed out copies of his skeleton argument, and was respectful to set out the information in the correct legal manner. ‘My proposal to Tate Modern was to put on an artistic performance that was to be based around my religious visions, as the “Business Messiah.” This proposal was rejected.’

‘Yes, but why do you think that it was religious discrimination?’

Anthony’s reply was calm. ‘The statistics clearly show that the works presented at the Tate have to be atheistic or have to express some kind of vague mysticism or have to be directly offensive towards Christianity. “Religious” art is not included. This means that the curators are discriminatory against religious artists.’ He flicked through his notes, concerned to carefully organise the information. ‘At best we have the undefined spirituality of respected artists like, Jackson Pollock and Mark Rothko. At worst we have

works like Herbert & George's “Shit Christ”, Sarah Lucas’ “Christ made out of Cigarettes,” and Chris Awfully's “The Holy Virgin Mary,” depicting Mary surrounded with pornographic images. These are all works shown by Tate and none of them are even particularly original. They are all derived from Andres Searing’s “Piss Christ” 1987, a photograph of a crucifix in urine. What next? Tampon Christ, Mucus Christ, Semen Christ?’

‘But surely this selection isn’t discrimination, it’s just based on artistic preference.’

‘No, it’s not a preference. It’s unreasonable bias, and it’s been getting worse with the violent work of artists like Damien Heist. He mocks religion, just for the thrill of it, with his pretend Satanism. He slices cows in half as sacrifices to the God of money. They are just an expression of evil.’ Anthony felt a bristle in the room, he had overstepped the line or had he just struck a deep nerve. ‘But you aren’t allowed to say that to the liberal art-world. They defend it by saying it makes us look at the world with fresh eyes. But they are just being manipulated by the money markets and all the while they slowly let its “values” infect society.’ Anthony was aware the Chairman was writing none of this down. ‘The galleries are socially engineering people into thinking that art should be anti-religious. They pretend that they show avant-garde art that makes a protest but they censor any real dissent because they are dictated to by corporate collectors who only finance the art that celebrates their brutal, selfish capitalism. Religion is banned.’

‘We understand your opinion Mr. Padgett, but it doesn’t alter the fact that selection is just based on artistic preference. And surely the best art has always been commissioned by the rich.’

The Chairman watched, aloof from Anthony’s deadly earnest expression. ‘That’s the problem. The system of the rich selecting art hasn’t changed since the times of the Medici family in Renaissance Italy. And the Medicis were worse than the Mafia. They murdered and cheated their way to the top and even put their own corrupt Pope into power. No matter how much money you give to a talented artist, if they have sold their soul to money then they will never produce truly religious art. The best religious art is done by poor monks and devoted believers. And this is the kind of work that the Tate refuses to recognize.’

‘We understand your point Mr. Padgett.’ The Chairman finished making a note. ‘But I don’t think anything of what you have said could be interpreted as proof that the Tate galleries have a deliberate bias towards selecting what you describe as Satanic art. I think we can move onto your next point now.’

Anthony didn’t see how he could be any clearer, but he had to move on. There was no arguing. He composed himself as he looked through his notes. ‘Artists are fed a lie that if their work is good then it will be accepted, but because there is no regulation of the system for choosing art, all kinds of discrimination

occur. Curators need to be held responsible for the decisions they make…'

'Mr Padgett, you can't possibly regulate purely subjective choices?'

'No, it's a fallacy that you can't. Classical art has purely formal "standards" based on originality, draughtsmanship, composition, form, tone, perspective, brush-stroke, colour, light, narrative, meaning, etc. Even Modern Art kept many of these standards but now they've all been over-ruled by the power of the dollar and by the whim of rich, white, male collectors.' Anthony stared the Chairman in the eye. He had struck another chord.

'But regulations would just destroy creativity?'

'No, regulation would ensure maximum creativity occurs, because it would stop the same old ideas and styles of work from being regurgitated and passed off as original and mean that the creative contribution of all kinds of people would be valued. But the reason that racist, sexist, anti-religious art continues to flourish is that the bankers and the corporations who control art have created a climate that is anti-regulations.'

The barrister dropped his pen emphatically. He looked at the Chairman, as if to ask, 'Aren't you going to stop this farce?' Then he spoke. 'Might I just add a note of explanation, to help clarify Mr Padgett's confusion. As a public gallery the acquisitions of the Tate merely reflect the interests of the broader art world.'

‘And that’s the problem,’ replied Anthony. ‘This broader art world is run by corporate sponsors. The oil corporations and the financial institutions use art as a way to culturally dominate us. They use art as propaganda.’

The Chairman’s brow furrowed. ‘Mr Padgett. What is your point?’

‘My point is that with regulations it would be widely know that the New Bank of Manhattan’s corporate art collection, which now loans its 30,000 artworks to public museums and galleries.’

‘To be honest Mr Padgett, I’ve listened to your arguments and they appear to be speculation with no relation to the case at hand.’

‘Okay, let’s look at the facts.’ Anthony began to read from his notes. ‘The Tate displays the work from the collections of patrons like British Petroleum and the Union Bank Switzerland (UBS). This both enhances the sponsor’s corporate image and boosts the value of the art they own. They lend paintings by Andy Warhol, Mark Rothko and Jackson Pollocks. Now Warhol’s work sells in auction for $72 million, Rothko’s for $73 million and Pollock’s for $140 million. None of this is regulated, which is no surprise because the banks, like UBS, are based in tax havens and have been known to hide money from international crime. And it’s no surprise because the whole art system is corrupt.’

Anthony poured a glass of water and drank. It was lukewarm. He continued. ‘Dealers and buyers bid for their own works from their own auction houses to artificially inflate their prices. And when they donate artworks to public galleries they get a 50% tax back “thank you” from the government for work that has been overvalued. And these art sponsors can also get insider tips from curators so they can buy up works by an artist that they know will be on exhibition, then sell it after at a higher price.’

The Chair put down his pen and settled into a calmer position of consideration, clearly pleased with himself. ‘I will ignore your unproven allegations Mr Padgett. And I don’t see how your personal objection to the high prices paid in the art world is relevant to your claim.’

‘Sorry,’ said Anthony. He realised his face was glowing so took a deep breath and returned to a steady pace. ‘But it’s all background to my main point. I want to make clear how influential finance is on art and how the world of finance is dominated by a certain type of man. Take the recent Chairmen of the Tate Trustees. They have all worked directly or indirectly for banks. And the banks have worked with the Prime Minister and a Tate Trustee who was the Head of the Morgan Stanley Bank, to raised funds for Tate to purchase US art. And when the Prime Minister leaves office his new job hre will be with a subsidiary of Morgan Stanley Bank.’

‘Mr Padgett, if you don’t stop mentioning the Prime Minister I will have to suspend the Hearing.’

‘Sorry. I wanted to give context.’ He looked through his notes to find his place. ‘The main point is that corporations use art sponsorship for both financial gain and cultural domination. Take Tate’s ex-Trustee Anthony Varied of Blackguard Private Equity group. Tate Modern put on an exhibition of Chinese Contemporary Art and shortly after this the China Investment Corp put a $3 billion, 10% stake, into Blackguard. At that point Anthony Varied donated £5 million to Tate. The exhibition was a sweetener to get the Chinese to do a deal with Blackguard but it was also a part of a plan to change Chinese culture, by encouraging Chinese artists to join the corporate collectors in their Satanic program, of celebrating sex, money and violence. Chinese artists now made photographs of Gods worshipping mobile phones, Christ crucified on cans of coke, and Christ with his genitals hanging out.’

Anthony paused to check he still had the Chairman’s attention. ‘The Chinese, the Saudis and the Asian countries have financial reserves earned from manufacturing and oil sales and the Western financial firms opened these reserves up, getting the countries to invest in Private Equity firms like Blackguard, Moregain Standoff and SUB. Private Equity groups sell high risk loans whose values are artificially hiked because they are based on projected returns. They’re just like the artificially high art prices. And, just like with

the art, the Western dealers buy some of their financial companies and artworks but sell overvalued Western companies and artworks in return.'

His throat was dry. He had another sip of the unpleasant water. 'And just like the art market, the value of these companies is based on a house of cards. So when it collapses these countries will lose heavily. This whole agenda is evil. This was the information I wanted to present in my performance at the Tate. But I also wanted to show how faith in God could overcome the corporate corruption and provide a new model for a global economy.'

Anthony now straightened his papers. 'In summary, my work should have been accepted by Tate Galleries. Instead I was discriminated against because Tate is controlled by the banks and oil companies who hate religious artists because they want to create a climate of greed and selfishness.'

The Chairman raised his eyebrows to check that Anthony had finished, then he sat upright. He looked at the Tate's team then returned his gaze to Anthony. 'I have listened carefully to your presentation, Mr Padgett.' He folded his hands on his desk. 'But I'm afraid to say that as you did not submit concrete evidence over any of these points I will not be able to consider them in my final Judgment. The only evidence we have is that you submitted an application to put on a performance and that this was rejected.'

Anthony's stomach sank. 'But when I requesting an order from you to make Tate disclose evidence you denied that it was relevant.'

The reply was casual, off the cuff. 'Then you should have appealed against my decision.'

'I couldn't, because at the time Tate's legal team was bullying my web-host into taking my website off-line.'

The barrister stabbed his pen into the page then spoke in a well-educated drawl. 'That was because Mr. Padgett infringed our client's copyright.'

The Chairman interrupted before Anthony could defend himself.

'Thank you Mr Padgett. I will take into consideration what you have just said when I make my Judgment. Now Mr Sheppard, if you would like to present your arguments.'

The barrister rose to speak. His pinstripe suit looked shiny, slippery. His tone was deferential. Anthony paid close attention, scribbling notes, considering how he could reply. 'Sir, our response to Mr Padgett is brief. Crucially, we contend that he is not even covered by Employment Discrimination Regulations. The law says that if there is no offer of work then there can be no application for work and therefore there can be no discrimination over work. Mr Padgett sent a submission to my clients when they had never put out an invitation for proposals for work, at

best they just had an open “encouragement” to submit ideas but never any offers of work. So Mr Padgett is not covered by the regulations.’

The barrister’s tone was patronising when he referred to Anthony. ‘Furthermore, It is clear that Mr Padgett is a second rate artist who has engaged in a cynical publicity stunt against our client. He has even described his case as a “work of art”. His motives are frivolous and vexatious and we believe that he should pay the full costs of our client, around £50,000 in barristers’ and solicitors’ fees.’ The barrister sat back, arms folded, as if to say “I’m finished, that’s that, I’ve won, unassailable.”

‘Thank you Mr Sheppard. Mr Padgett you now have an opportunity to respond, but please make it brief.’

Anthony responded to each point. ‘My case is not a publicity stunt. It’s done to establish the right of artists not to be discriminated against. As a barrister for the Tate it is only natural that he thinks that all artists are vain and cynical. But as a religious artist I’m against that kind of cynical art. My art is not for my own glory, it’s for God’s. Besides, my case cannot be a publicity stunt as the newspapers refuse to report on it because it shows the injustice that so called liberal institutions do to religious believers. As to Mr Sheppard’s opinion that my case is not a piece of art I would ask him to note that his client’s own collection includes work by Hans Haacke, who promoted legal cases against the Rockschild

museum's trustees in the 1970's as pieces of conceptual art.'

From the corner of his eye Anthony saw the barrister's chest rising and his breathing quickening. The barrister contained his anger by folding his arms around his rigid frame.

'It's also ridiculous to say that I did not apply for work. "Encouragement" is the standard way that Tate recruits artists for work and encouragement to terrorism and encouragement to murder are legally punishable offences. So encouragement from the Tate should be covered by employment legislation.'

The Barrister half rose from his seat. 'If I might just clear up the Claimant's confusion. My clients at the Tate want unsuccessful artists to feel included. That is why they are encouraged to submit ideas even though there is no work to offer.'

'Thank you Mr Sheppard. That is a useful point.'

Anthony could almost hear the scribble of the Chairman's pen. He tried to object but the Chairman held a hand to stem his words.

Finally the Chairman spoke. 'The parties will please take a moment whilst I retire to consider all the points before returning to hand down my Judgment.'

The clerk stood and called, 'Tribunal rise.' They all rose and waited as the Chairman left.

Anthony straightened his notes again and Stephanie put her hand on his shoulder. ‘You did really well.’ She squeezed. ‘It’s clear to anyone that you won.’

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He didn’t want to talk. The time passed slowly to the artificial ticking of the electric clock. The room felt claustrophobic.

He began to pray as they waited for the Chairman to return, to deliver the Judgment, the Judgment.

When he opened his eyes the sky had clouded over and they were bathed in the radiance of strip lights. The heaters were breathing out a drying heat. His lips were dry and he was sweating under his collar.

‘Tribunal rise,’ called the clerk.

They rose as the Chairman entered. The table top momentarily cooled his hot hands.

‘Please sit.’

There was a long pause. ‘I have considered all the merits of the Claimant’s case, including his request for evidence to support his allegations. In this instance I rule that his claim fails on the grounds that a gallery is free to encourage the submission of proposals for work without needing to have any work available. As a result there was no true offer of work and so there was no application for work.

This means that there is no jurisdiction to hear his claim. However, I would like to add that even if a true offer of work had been made and that some kind of discrimination may have occurred in the selection process, this discrimination would be too difficult to prove.'

The Chairman now looked at the barrister. 'So I find that the Respondents, Sir Nicholas Serota, did not discriminate against the Claimant in any way.' He turned back and showed Anthony a stern face. 'Full written reasons will be sent to both parties in due course. You have leave to Appeal to the Royal Courts of Justice within 14 days of this Judgment but please note, Mr Padgett, that if you do then you will become liable for the Respondents full legal costs.'

Anthony nodded that he understood and the clerk called again, 'Tribunal rise.'

Everyone rose in disciplined obedience and the Chairman left with an understated sense of ceremony.

Smiles of relief broke on the faces of the barrister and solicitor. The legal system had given them the answer that they required.

As each party began to shuffle out of the doorway the barrister offered Anthony his hand. Anthony shook it whilst catching the smug grin of the solicitor. Her face changed when she notice that he had seen her and then offered him a limp hand and a fake smile.

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Stepping out, onto the steps of the Tribunal, into the noisy, fresh air, they avoided the photographers and reporters who jostling a young Muslim girl and her legal team. He heard a reporter asking, ‘So you say you were discriminated against because you weren’t allowed to teach in a veil?’

Anthony shook his head. Why were they reporting on this recent case and not his ongoing battle for artist’s rights. Maybe it was because it reinforced division between religions, made religions look unreasonable and extreme.

On the street he caught sight of the tower of Tate Modern. It mocked from across the road, from across the Thames. ‘I don’t want to go that way,’ he said to Stephanie. He pulled his trolley behind. Stephanie held his hand. She was beautiful, a consolation.

They walked in silence, until they found a café that overlooked the river.

They stopped and sat on aluminium chairs around a metal table still scattered with empty cups and Tate packets. A waitress came. Anthony thanked her as she cleared the table and took their order. But he didn’t look at her.

‘So that’s it then,’ he said. ‘My case was about there being no regulations in the art world and the verdict was that it was too difficult to prove discrimination. But if there had been regulations then it would be easy to prove.’

‘So what are you going to do? Will you just let it all end there? Aren’t you going to Appeal to the Royal Courts of Justice?’

‘It’s pointless. I’ll become liable for the £50,000 costs that Tate was hounding me for. Then they’ll really hammer me. Besides I put my faith in God and it seems like He doesn’t want the case to progress, so I should leave it. Maybe He has something else for me.’

‘But it’s so unfair!’

‘The whole system is. I read up about the Chairman. He was someone the government could trust to reach the “correct” decision. He was criticised for proposing to put profiles of the entire population onto a national DNA database.’

Stephanie raised an eyebrow. ‘That’s interesting.’ They became silent as the waitress returned with their drinks. Stephanie paid then opened a small carton and poured the milk into her tea. She drank, then replaced her cardboard cup on the table.

‘It would seem that a pattern is developing. But I don’t want to go there.’ He blew on his strong latte as Stephanie sipped her tea.

Her fingers followed the line of the arm of the chair. ‘Well at least they didn’t manage to get you for legal costs.’

‘It’s still cost me enough. If I hadn’t started teaching salsa dancing to top up my income

I'd be completely broke.' He drank the strong coffee.

'But don't forget that you've brought about some important changes. Only yesterday you told me that the Tate Trustees announced that they were addressing the discriminatory balance of the work in their collection.'

'Yes, but they've twisted it to make it more palatable to the liberal art community. They've made it into an issue of sexual discrimination instead of religious discrimination. They've used it to promote female artists already in their collection. And the religious art that they are starting to show has to be by young Muslim women who make works like "Islamic Pub Quizzes" or "How to decorate a bomb."'

'How sick.'

'Yes, but like with the Chinese, it's all a way to make Muslims feel included in the "art game." So they can sell art to rich Saudis whilst creating a climate that makes fun of religion. It's a subtle way to brainwash middle class Muslims into following a liberal agenda that is ultimately ruled over by the corporations. I just pity everyone still caught up in it. I'm not going to do any more art. The whole system is too corrupt.'

'You say that, but what's your next art-work going to be?'

He folded his left arm across his chest and stroked his head with his right hand. 'No I mean it. That's it. My art career, 15 years of

my life, finished. Doing art was a big mistake. I should have trained to be a minister or something. Instead I ended up dressing like a madman, half possessed by the Devil, promoting Postmodern Religious Art. I compromised myself and I'm still in a bit of a daze.'

'Don't worry. You'll find what you want to do. You always do. That's what I admire about you.' Her hand stroked his shoulder.

They both stared across the Thames.

2. POSTMODERN RELIGIOUS ART

This perspective is a rejection of the central perspectives of Modernism. It is not to be confused with a focus on mysticism or spirituality that arose in Modernist art thought. It is a view that part held by many people without realising they hold it.

It is a return to fideism but with characteristics of postmodernism and not with characteristics of pre-modern religion.

These characteristics include bricolage, superficiality, consumerism, semi-irony, lack of a single meaning.

Important to the debate on whether postmodernism is just part of Late Capitalism is the belief that "postmodern religious art" is a superficial consumer veneer over modernism. It does not completely replace modernism, it is a faith that replaces rationalism only when rationalism has temporarily reached its limit of effectiveness. Modernism is seen as the core perspective over which faith is a veneer.

The movement is part of a response to the failure of the Modernist Avant-Garde. It is an appeal to Divine Intervention to overcome moral oppression. The Divine Intervention is through the purchasing, consumption and creative rearrangement of religious rituals, beliefs and artefacts.

The theology is "a communal practice of creative religious consumerism". There is no

central belief other than in the structure of the constant creation of new combinations of religions in a semi-ironic hope that Divine Intervention will occur.

Term defined in MA Thesis "What are the possibilities for Postmodern Religious Art" by Anthony Padgett 2003.

3. TRIBUNAL QUESTIONNAIRE

1.2 TREATMENT

Main Example

Further to my application of 25 July 2005 to Catherine Wood (Curator of Contemporary Art & Performance), Stuart Comer (Curator of Film and Live Events), at Tate Modern, under the leadership of Sir Nicholas Serota (Director), rejected in a letter from Wood on 7/9/5.

"Re: Sir Henry Tate's Memorial Made of Sugar Cubes - Performance at Tate Modern

I would like to put in writing my recent proposal to Catherine Wood re performance around the themes of contemporary art and religious fundamentalism. Points 1 & 2 give the rationale behind the proposal, 3 is a sketch of the proposal and 4 is my background.

1. Religion, democracy and fundamentalism will now be a focal point of discussion for the foreseeable future. Religious extremism replaces the Avant Garde as the oppositional force to consumer globalisation. Thus art needs to address issues of religion to remain contemporary.

2. Tate galleries was created by Sir Henry Tate, an active Unitarian (see enclosed information). Unitarianism influenced US constitution and Thomas Jefferson's separation of Church and State, the US provides the

prime model of consumer democracy and so Unitarianism provides a model for a liberal "pick n mix" religious democracy.

3. Resurrection of these concerns in a postmodern consumer context can be symbolically achieved through a performance around a reconstruction of Tate Memorial (Norwood Cemetery), in Tate Modern. This would be made of Tate & Lyle sugar cubes at ½ scale. Measured drawings would be on display with the construction. A performance and talk around the work would also occur.

4. I am an artist (and am a Unitarian) and the pioneer of pick n mix religious art with the academic term "postmodern religious art" (subject of my MA thesis and talk at Tate Modern conference "Heaven on Earth" January 2005). My background is in contemporary art, writing, teaching Religious Education, conservation of places of worship for the Palestinian, Israeli and US governments.

I would be very happy to come to London to discuss this proposal in depth with you."

And follow up letter of 25 August 2005

"Re: - Performance at Tate Modern – Request of Response

Further to my letter of 25 July 2005 I would like to request a response.

If you are interested to meet me to discuss my work with a view to putting on a performance,

talk, workshop or exhibition then I would be delighted to come to a meeting in London.

If you are not interested in showing my work then please would you respond by letter to this effect – with a statement of why my work is unsuitable (particularly in light of the points of relevance that I raise in my letter of 25 July 2005).

Please would you also return my DVD "Religion Cabaret", held since 30th January 2005, which I understand may have been passed between you."

The main subject of this complaint is my rejection for this proposal. The immediate circumstances leading up to the treatment are as follows:

I gave a talk on "Postmodern Religious Art" at Tate Modern for the Heaven on Earth conference, 27-29 January 2005, organised by the London Consortium in collaboration with the Tate. Stuart Comer chaired the opening discussion 27/1/5 with two artists, Bjorn Melhus and Matthieu Laurette. Comer questioned them about religion and they could not answer. This was an issue he felt was of relevance and one I speak brilliantly on.

Unfortunately he didn't come to my talk 28/1/5 so I left him my "Religion Cabaret" DVD to watch and a list of slides from my talk. I phoned a number of times and 6 months later he still had not watched the film. I took the opportunity to then make a performance proposal to him, Sir Nicholas Serota and

Catherine Wood (Curator of Performance). This proposal was open to negotiation and its sketch form was the reawakening of issues around inter-religious and artistic expression. The specific form was a performance around a scale reconstruction of the Memorial of Sir Henry Tate, built out of sugar cubes. This would connect the Tate back to issues of history, Unitarianism and current models of art and religion. It was described as reintroducing issues around religion to the Tate. This proposal was rejected and I was not even asked to come for an interview to elaborate on the ideas.

Despite my letters, staff at the Tate have consistently failed to provide me with explanations for their actions and decisions – even when such explanation has been specifically requested in my letter.

Previous Examples

Further circumstances leading up to the treatment are as follows. These may no longer be subject to redress (and many occurred prior to the Regulations) but they show my status as an artist of originality and foresight, who has been unfairly treated. They also show how my work has prefigured the Regulations and current religious climate.

The first major instance of discrimination was with Tate curator Heidi Reitmaier (Curator of Public Programmes) promoting the on-line Tate commissioned work of Shilpa Gupta “Blessed-bandwidth.net” (November 2003) and ignoring my own work - which was similar

but came earlier. In her article “God, Prayer and Politics: The Work of Shilpa Gupta” on the Tate website, Reitmaier promoted Gupta’s work as relevant because of its interreligious content and use of technology.

I had already been making interreligious art since 1994, had worked at Holy Sites making art work since 1996, had been involved in technology/religion areas with computer manufactured Muslims 1996-1999, a £150,000 sponsored computer manufactured Seraphim 1999/2000, interactive installations 1999, webcasting 1999, computer generated Muslim/Hindu prints 2001, interactive DVDs 2002, and published articles on this theme “Reconciling Binary Oppositions” in Body, Space and Technology Journal Vol 2 No 1, Brunel 2001 and “Digital Spirituality” in Intersections and Connections – Art and Techonolgy, Springer 2002. Gupta was commissioned to create internet art but the importance was given to the interreligious element of her work, an element I had been exploring, in a more radical fashion since 2002, in Interreligious games, music, fashion, prayer, ritual, sculpture and performance. I had promoted these and subsequent events at the time to Tate curators and at Tate events.

Whilst Gupta had a semi-ironic worship I had created a semi-ironic Interreligious Messiah 2002, given academic papers on this theme and in my first MA thesis on Postmodern Religious Art, October 2003, I explored this issue. My work also went much further relating to issues of commodification and consumerism and the link between sacred and

secular. Gupta didn't creatively mix the religions, keeping them in their boxes instead. I mixed different religions with secular culture before Gupta's work. Of importance is that my work is also a genuine religious position and not just an artistic construct.

Primacy of artistic contribution is an industry standard but Tate refused to honour this in my case. Despite my complaints to VincenteTodoli (Director of Tate Britain)17/11/3 and reply by Jemima Rellie (Head of Digital Programmes) and follow-up letter to Todoli, Rellie, Reitmaier and Gregor Muir (Curator) 13/3/4 her work was given preferential treatment and I had no redress on the website.

As well as these factors, the appropriateness of my background (in teaching Religious Education, being involved in interfaith work and working as a historic stonework conservator for both the Israeli and Palestinian Governments) was not taken into consideration.

The second major instance of discrimination that I wrote a letter of complaint about was when Tate Liverpool had the "Seeing is Believing" exhibition 11 December 2004 to 2 May 2005, on art relating to different religions to coincide with Liverpool Capital of Culture Theme of "Faith in One City". I had already contacted the organisers of the Capital of Culture about my work being appropriate to "Faith in One City" and they advised me to exhibit as part of Liverpool Biennial, where I exhibited "Divinityland" (Interreligious Themepark in Liverpool's Quaker Meeting

House) put on a Religion Cabaret (Magnet Bar) and presenting an Interreligious wedding cake at opening events of the Biennial (Independents).

“Seeing is Believing” occurred after Liverpool Biennial and before it began I contacted Amy Dickson, the curator, about exhibiting my work. She did not come to my exhibition and said I could not show any work, as it was not in the collection. My work was more progressive than any shown and should have been recognised as such and purchased for the collection.

The lack of contemporary relevance of “Seeing is Believing” was noted in Waldemar Januszczak’s article for the Sunday Times “We need religious art more than ever, says Waldemar Januszczak – but his spirit wasn’t revived by Tate Liverpool’s Seeing is Believing”. My work would have provided this. I wrote to Sir Nicholas Serota concerning this 20/12/4 who replied 21/2/5 that he passed my letter to the Tate’s Collections division. They did not reply to me.

Other instances occurred where I promoted my work to the Tate but was ignored, even though my work was ahead. In 2002 the Rev Ethan Acres performed at the Tate Modern Turbine Hall and explored the cross-over of consumerism and religion. His work was limited to a largely Christian perspective (with undertones of Contemporary art spirituality) and although I had already exhibited an interreligious fashion show and disco in the

Arts Café, London, E1(2002) exploring some of these issues, I was ignored.

My 2003 contemporary art exhibition Stop Armageddon/Garden of Eden at the Quaker Gallery just of Trafalgar Square came before Damien Hirst's "In-A-Gadda-Da-Vida" (in the Garden of Eden exhibition at the Tate 2004). I wrote a letter of complaint to Reitmaier 8/1/4 concerning the lack of Tate interest in my work but received no real answer. The Utopian work and the interreligious games (board games, scalextric and fruit-machine) I created 2002-3 were also followed by the Common Wealth 22 October to 28 December 2003 exhibitions at Tate around ideas of Utopian art and games in contemporary art.

Rietmaier also chaired a Symposium "Tool versus Meduim. The Use of Rapid Prototyping in Contemporary Sculpture" at De Montfort University in Autumn 2004 but despite my writing to her 19/7/4 , and her previously being notified, about my award winning Rapid Prototype Sculptures (with religious themes) dating back to 1998, she did not reply. I also approached to the Tate Galleries Education Department to work with them on cross-curricular art and religion projects but received no reply.

Finally, my suggestions 16/4/4 to the Tate of an "inventory of originality" for artists to register works was rejected by Rellie following a letter sent to Reitmaier, Todoli and Muir. This seems easily achievable by data base forms and would provide much needed accountability for original contributions and

ensure equal opportunities and non-discriminatory practice.

1.3 UNLAWFUL DISCRIMINATION

Direct And Indirect Discrimination

I believe that I am the subject of religious discrimination according to The Employment Equality (Religion or Belief) Regulations 2003.

The reasons for discrimination may not be understood initially by staff at Tate Modern and this is because discriminatory practices are often the result of lack of understanding and lack of a desire to understand. This treatment of the other as strange and not worthy of proper consideration is discriminatory and as the form and content of my work is of a religious nature it is therefore religious discrimination.

I have given the Tate an opportunity to take positive action over issues of religion and religious discrimination in artwork and it has rejected this. This shows an non-acceptance of the significance of these issues and is further evidence of its discriminatory position.

My work is a celebration of the Regulations and the Tate's unwillingness to take my work seriously is a contravention of the Regulations.

As well as being subject to direct discrimination from Tate curators, I have also been subject to further, indirect discrimination.

Tate takes its cues from the worlds of commercial art, state art and the mainstream media – all of which currently operate levels of

religious discrimination. This institutional discrimination is like institutional racism, only against religious believers. Art is not just about money but about religious values as well. I argue that it is the job of the Tate Curators, Director and Trustees, as guardians of the public interest, to determine what is of significance and relevance in contemporary art in Britain and internationally. This means that they should apply The Employment Equality (Religion and Belief) Regulations 2003 to the world of contemporary art – ensuring that the art business does not operate solely for financial ends and that public galleries implement correct policy.

This indirect discrimination has also prevented me from access to opportunities to do works in galleries and media that will reach a larger audience.

Merit of my Work

The Acquisitions Policy states that “In the field of contemporary art, acquisitions reflect those artists who have already made a significant contribution and ha e achieved national or international recognitions. Potential acquisitions of contemporary art generally come from artist’s dealers, other commercial galleries or collectors.”

PMRA is a term I have coined for an art movement that I have pioneered. It is the subject of my MA Thesis “What are the possibilities for Postmodern Religious Art and Peformance?” (Wimbledon School of Art). This new and unique contribution to art

(where I show how religious equality principles apply to contemporary art) was prior to, and went beyond, the work of Tate commissioned Shilpa Gupta and Tate Liverpool's faith exhibition.

My work has been nationally recognised, being the subject of debates on BBC Radio 4, TES and the Mail on Sunday. My television program ideas have been used for the Channel 4 program "Spirituality Shopper" and my articles have been published.

My work has been internationally recognised, winning the About Vision international art and technology competition in 2002, being in the finals of the International Jewish Artist of the Year Awards 2004, being part of the Polish Castle of Imagination Live Art Festival 2004, being in a panel talk at New York Studio School, printed in the Belgian Q Magazine and being reviewed at Edinburgh Fringe.

My gallery talk (6/1/5) for the international ICA exhibition "100 Artists See God" illustrated how advanced my conceptual work was (over the current practice of the 100 artists invited in 2003 to take part in the exhibition and over the curators' approach to the subject).

The quality of my work is excellent and ground-breaking. Whilst these credits may not be sufficient for Tate to consider my work to be of national and international significance this is because of indirect discrimination.

Without discrimination I would have been able to make large scale works. Prejudice against religion in the art-world has meant, through lack of financial support, my works have been restricted in size and venues exhibited in, but this does not change the conceptual merit of my work.

The prime feature of my work is conceptual. although the quality of many of my works is exceptional in many of the mediums I have experimented with I am less concerned with the issue of quality than with concept. This is part because I am responding in my work to artistic notions of the ready-made and the scatological, so quality is not necessary.

Religion or Art

Although I have been discriminated against on the basis of religion this does not mean that my work is solely religious and is not art. It is a combination of the 2. That my work has a religious approach and content does not mean that it belongs to a religious venue and not an art gallery. I argue that religion is more important than art but this doesn't invalidate my work as being art. The important fact is that artistic thinking affects my thinking about religion so that the result is a hybrid of the two. Art that just illustrates religion is not art, just illustration. The religious content needs to challenge the very nature of art and the artistic content needs to challenge the very nature of religion. My art is primarily conceptual about the nature of religion and about the religious nature of contemporary art.

Art should be open to an exploration of religion and I show why art and religion are not absolutist and that a mixing with other religions and beliefs characterises a postmodern age. No one has created work around this theme (and taken it to its logical conclusions) apart from myself.

Postmodern Religious Art (PMRA)

My religion is serious, cohesive, and cogent and was the subject of my MA Thesis. My art has not been given a fair hearing because of discrimination against my general religious views Postmodern Religious Art (PMRA) and their particular instantiation as Disco Art Religion (DAR). This has stopped the Tate from looking at my ideas (of PMRA) and they have confused the religious content of PMRA as being just religious work, rather than art ideas about the relation between religion and art. Just as with all ideas of art –PMRA is a new concept and is therefore art.

PMRA is a superficial, creative, pick n mix, consumerism of religions and beliefs. It is a semi-ironic means to divine intervention. It is also a campaign for the rights of individual religious freedoms (against atheistic and religious extremism) using modernist liberal political structures. The demonstration of the application of this belief is shown here, in my potentially taking Tate galleries to the Employment Tribunal. Even this very case is a piece of artwork, where I am expanding the definitions of art (and religion). PMRA,

however, is not primarily a political movement.

PMRA unites people, not through a shared, deeper spirituality but through superficial religious items. The work is “plastic” but with a hope that something genuine can come through. The majority of people operate mainly on a superficial level and not on a deep level, so I take the superficial items of division and put them all together in order to make a unity. The unity is through people being creative consumers of superficial religion. My work is not about finding the common core, it is about finding the bits that divide people and uniting those bits to create unity between people.

In my MA Thesis I argue that the superficial, physical forms of various religious traditions are more relevant to artistic production than the deeper spiritual elements of most artists in the Tate collection, eg Bill Viola, Anish Kapoor and Anthony Gormley.

The Regulations do not equate religious belief such superficial manifestation of belief (eg clothing, prayer or ritual). However, my belief is that the superficial manifestations have a deeper power – it is not the superficial manifestations alone, but the belief attached to them.

The Regulations recognise that religious traditions do not always have the same practices, nor are these always followed in the same way, nor are all of these practices necessarily followed. I further adapt this into

pick and mix religion, that also mixes with secular culture. Because of the genuine faith element of my art my work constitutes a religious position.

The discrimination is that the Tate curators are not prepared to look at my ideas of PMRA because they discriminate against my religion. Rejection of anything concerning religion is endemic in the art-world and the curators are also following indirect discriminatory practice.

I show in my MA thesis how in PMRA I take art forwards but the Tate curators do not even entertain this possibility because of the religious content of the work.

Genuine Occupational Requirement (GOR) and the Religious Bias of Tate Modern/Contemporary Art

A number of assumptions are made concerning the nature of art and religion when curators make decisions. These belief assumptions are part of the Genuine Occupational Requirement (GOR) curators apply. The Tate takes its cue from commercial galleries where this basis for GOR is present but it is also prevalent in educational establishments, international art fairs (largely commercial) and state funded art programs.

The Tate is part of a contemporary art-world that has a religious/belief bias (as its GOR) that is unjustifiable and discriminates against my own position. The position that it holds is largely based in “critical thinking”, atheism, spiritualism, pantheism, the “everyday”, liminality, scatological gnosticism and quasi-

socialism. Religion is largely rejected on Marxist based political grounds. This contradicts the Regulations, unless it can be demonstrated that this rejection is essential to a GOR.

In my MA Thesis I show why a focus purely on aesthetics and aesthetic innovation leads to a purely formal view that has mystical and spiritual consequences that can be associated with Eastern Religions and Modern art. I articulate the religious position that is Postmodern and not a pre-modern religious view that modern art reacts against. I also argue that the content that is allowed in contemporary art is also largely atheistic, modernist, spiritual or ironically/negatively religious.

In Art Theory many thinkers now reject the efficacy of critical thinking and socialism (eg. Bonito Oliva, Achille. “Trans-Avantgarde International” Mil., 1982_or Jameson, Frederick “Postmodernism, or the Cultural Logic of Late Capitalism” Verso, 1991) so there can no longer be a reason to accept a socialist rejection of religion. PMRA moves on from this as the failure of political thinking in art is rejected in favour of a belief in the political consequences of treating Religion in a radically artistic manner. These political consequences of my art may even be seen in these Discrimination proceedings. My work, however, is not primarily political, rather I put faith in Divine Intervention.

An alternative political move against power structures is made by art theorists in their

focus on the everyday and the scatological (by trying to level ideas of hierarchy). In my thesis I demonstrate how this artistic consciousness again relates to modernist mysticism. To add to this bias Contemporary art also has a particular spiritual/religious bias towards Eastern, mystical, non-dualistic thinking.

Texts (such as Taylor, Mark C. "Disfiguring: Art, Architecture, Religion" University of Chicago Press 1992, Baas, Jacquelynn “Buddha Mind in Contemporary Art”, University of California Press 2004 , Elkins, James “On the Strange Place of Religion in Contemporary Art” Routledge 2004, etc etc) show a spiritual basis in art that rejects treating Monotheistic religion seriously or sympathetically.

There are some exceptions to this rejection, such as work by Mark Wallinger, but these tend to be mainly Christian or to be based in a mystical Gnostic self-mortification eg Heartney, Eleanor “Postmodern Heretics: Catholic Imagination in Contemporary Art” Midmarch Arts Press 2004. Contemporary Christian Art, accepted by the Tate, consists mainly of works that criticise religion, such as those by Damien Hirst and Sarah Lucas, or relate to full irony.

Other religious views are largely absent. Kutlug Ataman’s “Twelve” (2004) in last years Turner Prize explored issues of reincarnation but the religious aspect of the subject was kept to a minimum. The focus being on the identity, histories and language of the

interviewees, rather than on their Muslim backgrounds.

Art that is positive about religion is generally rejected and vastly unrepresented in the art world. At best, a space of openness is left for the viewer to decide for themselves see Tom Lubbock's article 'Entertaining the Unbelievable' in "Modern Painters" Spring 2004. In my MA thesis I argue that this openness is a liminality with particular religious, mystical, non-dualistic implications.

Galleries show art works from major religions but where it is represented it tends to illustrate the artwork and is just a concept to hang a piece of artwork upon. There is no real interaction to the art form and the art-form does not change the religion in any substantial way. Any work that has the appearance of being from a genuine cult is rejected, unless the work or cult is fully ironic. My work is a genuine investigation of the cross-over between religion and contemporary art. Categorising it as a weird cult is prejudicial to both myself and to other cults/sects/movements.

PMRA vs GOR

PMRA is as legitimate a belief as the one currently held in the GOR of contemporary art, but as it is outside the current GOR belief it has not been given time and an opportunity for a fair hearing. Without a fair hearing people cannot appreciate the ground-breaking significance and originality of my contribution to art with PMRA.

Artists have a role to break away from fixed beliefs and a GOR belief should not be a standard with which to prejudge work. The Tate should not refuse my work because it doesn't fit with current art ideas. My beliefs should not be seen as conflicting with the Tate's GOR belief, which should be open to adaptation and new beliefs.

I argue and demonstrate how the current contemporary art GOR belief is outdated, in comparison with my own, in my MA thesis. My argument is not the crude assertion that art should be under the authority of religion but rather that art cannot avoid being under religion's authority. I pose the problem, that by rejecting religion that art adopts a religious position. Thus questioning openly how they can discriminate against religions when their very system of choice is religious.

My position is more appropriate to the Tate than their current viewpoint. Tate curators have taken on the religious viewpoints endemic in contemporary art and my work is closer to notions of artistic creativity. I change the nature of art rather than stay with the GOR belief, therefore only I am truly contemporary, and closer to the correct Tate Ethos.

Original Tate Ethos

Sir Henry Tate did not state conditions in his original bequest but isn't the fact that he was a Unitarian (and donated to many Unitarian causes) interesting, relevant and worth

exploring by the Tate galleries in the current cultural climate? Whilst public funds should not serve a religious affiliation, Sir Henry Tate's religion coincides with current Equal Opportunities policies – ie liberal democracy. Unitarian support of liberal principles of free thinking and individual conscience was held as being a light for equal opportunities through the 19th-20th centuries. Shouldn't this be represented somewhere by the Tate?

Would this be illegal religious discrimination in favour of Unitarianism? No, if the Tate must promote a view it is better to promote one in line with the Regulations than the one in its current GOR. Unitarianism is a religion/viewpoint with an Ethos that is very close to the Regulations.

Religious Discrimination Act

Unitarianism is an example of the Religion Bill in applying equally to all religious and non-religious viewpoints.

In line with the Regulations Unitarianism rejects any form of discrimination and promotes all to become ministers regardless of gender, sexual orientation, race and also promotes same sex marriage. Unitarianism also allows people of other religions eg. Muslim or Jewish Unitarian, to be members.

Unitarianism both is a "liberal religious" position that is both religious and is not religious – just like the Regulations.

The Regulations and Unitarianism give a meta-view, ie they concerns religions and are not necessarily religious themselves. In this sense they are non-religious. This has been the perspective of Unitarians since the 19th century, that a meta-view (of freedom, rationality, respect, openness, diversity) unites them in their search for religious, artistic or scientific truths. Unitarians can have any belief – even atheistic or Trinitarian – as the important element is common unity through respecting the rights of individuals.

Unitarianism is a meta-religious positions that helps people choose their own religious positions/truths. The Regulations also have implications of tolerance and acceptance that contradict some of the more extreme interpretations of religions. The Regulations are therefore religious in their position as to what can constitute a valid religion. Just like Unitarianism, the Regulations are a position that is both religious and not religious.

This is demonstrated in the way that the Regulations do not change the nature of Unitarianism whereas, in contrast, other general religious viewpoints (such as Christianity, Islam, Judaism, Contemporary Art etc) are changed into more liberal versions by the Regulations.

PMRA is also a meta-structure whereby many Unitarian principles are expanded along lines of contemporary art. I am the founder of that artistic structure/concept (that facilitates individuals' formulations of religious truths). The particular religion that I manifest out of

PMRA is DAR and my particular manifestations of PMRA are important because they are the first ever instantiation of that meta-structure.

The Regulations are both general principles of the current liberal ideology and have elements of a general religious/belief system. Unitarianism is both close to the current liberal ideology and a religion, PMRA is both an artistic view and a religion.

The difference between the Regulations, Unitarianism and PMRA is that whilst all 3 maintain liberal meta-perspectives on religion, when they are put into application the Regulations are a general set of ethical rules and beliefs (that have consequences in curtailing the specific beliefs of others) whereas Unitarianism and PMRA are specific and individual creations of ethical rules and beliefs.

Both Unitarianism and PMRA are non-religious meta-beliefs as well as religious beliefs. Issues of my belief were not appropriate to my application to the Tate (other than to show that I practice my beliefs as well as have a meta-position). Discrimination has occurred against me and my work as it has been treated as a belief only, without looking at its deeper implications.

A person’s religion can be positively discriminated in favour of them getting a job, but cannot then be a part of the job unless a GOR. Gupta’s standard, non-religious, art

views may have allowed her to get employment to make a non-committed work about religion. If artists have a GOR belief then Gupta's adherence to it can have secured her the position.

Gupta is a precedent to say interreligious work is of merit but is promoted by the Tate because the content does not present a genuine religious belief, just a meta-view. Her work gives a structure for people to choose religions from and does not show her own choices. Gupta lets people choose a particular religion but is not mixing any of them. The mode of worship is not new (internet) because it is used by other online religious communities. What is new is that she provides religious options for this mode of worship.

The GOR, however, should be open to maximum freedom of expression adding a significant new contribution to art. Unlike my own work there is no indication that Gupta's is part of a real religious system. This work doesn't artistically challenge notions of religion, therefore is a lesser work than my own.

In art, perhaps religion could be part of the job if the artwork commission is about a person's experience of a particular religion. At "Seeing is Believing" the Tate showed religious art by members of the religious groups the art was about, or by artists from the community that these religions were in. My lack of a single traditional religious position would not exclude me as my work is about superficial consumerism of religion and

I am from that group (of superficial consumers). However, if the work is about religion would this just be content of the artwork and not a formal innovation, and therefore not art?

My work is a formal innovation as it is conceptual art that shows why content is important; by my arguing that contemporary art, and even purely formal art, has a religious basis to it. In deconstructing contemporary art I can expand the GOR belief and free art to apply to religious thinking and the nature of belief. My medium is the nature of religious belief and my innovation is the artistic perspective of PMRA – a superficial consumerism of religion/belief options with a hope and a semi-ironic faith that this will lead to divine interventions. This is built over a layer of Modernist political structures and formal art systems and methods.

Tate accepted Gupta's work about belief structures, but my work has been ignored. My work was earlier, has greater options and implications and also has a working example of the religion. The religious content (DAR being a practising religion) of my work is important because it is the first instantiation of PMRA. Gupta's work is a meta-view in line with the Regulations, but it is not artistically progressive over the Regulations, nor does it show the application of the meta-view. PMRA is progressive over the Regulations and I show the application of its meta-view with DAR. My work is not just about religion, it is a religion.

Perhaps the Tate should have encouraged my application as a follower of the Regulations and a minority religion (religious aspect of PMRA) against the prevailing GOR belief but select my work based upon my artistic merit (founder of the non-religious aspect of PMRA) without discrimination (positive or negative) with regards to my religion (PMRA & DAR).

I think the Tate has been discriminatory against DAR and also the religious content of PMRA (not realising how close the position is to the Regulations). As the Tate has discriminated against my religion (PMRA & DAR) it does not recognise my merits (of being the founder of the PMRA perspective). I also think that they have discriminated against my Unitarianism by rejecting its relation to the Regulations and have not taken seriously the implications of the Regulations for Tate.

Acquistions

The current acquisition policy is too general to prevent discriminatory practices from occurring and as a result the acquisitions policy at the Tate is indirectly discriminatory against religion.

Commercial and non-religious criteria should not be imposed that have the effect of discriminating against people who have artistic work of significant national and international merit (such as my own).

Why does the Tate consult commercial galleries for its acquisitions but doesn’t ask religious groups in general for advice on

acquisitions? This is a very discriminatory bias in itself from a state funded gallery. If there is current uncertainty about whether religious groups should do this then Tate should welcome an approach that can throw light on issues of Religion. The Tate method of determining artistic merit is limited in scope and should welcome PMRA, an expansive way of thinking about the involvement of religion that is also a new way of making art.

My art skills and conceptual art skills are clear. What is not is the recognition by commercial galleries. However the Tate is a public funded gallery and should not apply solely commercial considerations or be led by commercial bodies. The Regulations even advise a company (like Tate) to make small financial loss in order to ensure non-discrimination.

Curators should suspect that my work would be discriminated against by commercial galleries and institutions with the GOR belief of contemporary art. Taking on just the views of commercial or public funded GOR galleries constitutes indirect discrimination by curators. Business would be the principal model if art was completely business focussed, but it is not.

Curatorial discrimination should be prevented in acquisitions considerations and positive action should be taken against the culture of discrimination that was prejudiced against my work. That any such discrimination by curators may have been inadvertent or accidental is not an excuse. It is still unlawful.

Discrimination often occurs when people are unaware that they are being discriminatory. They can also be unaware of holding mistaken GOR beliefs that can be used prejudicially. The benefits of PMRA cannot be seen by curators as it has not been entertained due to discrimination.

The individual merits of various artists should be assessed, regardless of their religious focus. Business gallery beliefs, and GOR beliefs cannot be used as a justification for continued discrimination against me. The issues that I raise in this letter must be answered fully by the Tate, without recourse to assumptions and prejudice.

My quality of work is clear because I have introduced a completely new and revolutionary perspective in art. I coined the term PMRA in 2003 and it refers to both real art and real religion.

Aims of the Tate

As the Tate Board determines policy they are responsible for ensuring that there is no Religious Discrimination in policy documents (including discrimination by omission). They also decide on major acquisitions and are guardians of public interest. As they are required by the Museums and Galleries Act 1992 to extend the awareness, understanding and appreciation of British art and international modern and contemporary art then groundbreaking art of an interreligious nature would fit all these categories. The board are advised to think carefully on this

matter and the effect that the Regulations have on the objectives of the Tate.

Some of the Aims of the Tate are stated in the Accounts 2003-2004 as being; to strengthen and extend the range of the Tate's Collection and the intellectual assets surrounding it, to put on innovative displays, develop more diverse audiences and to develop the Tate's role in the wider world. All of these would be enhanced by the inclusion of PMRA and are compromised by its rejection. The strategy for the Tate doesn't make mention of Religion or religious issues. Despite my drawing attention to the significance of these issues to contemporary life, and how my work relates, my proposal was still rejected.

Should the fact that Britain is mainly Christian, Atheist and Humanist be a factor that can influence acquisition choices for British Art? The collection also relates to international art, so the religious make-up of the international community should also be considered. These and related issues need to be put into the policy statements of theTate.

Although there is now legislation in place to prevent religious discrimination, Trustees could have a conflict of religious interest. Trustees need to declare any financial conflict of interest, so should they also declare any conflict of religious interest – to help them avoid discriminating in favour of a particular belief?

In order to help the Tate Trustees to comply with the Regulations there should be Religious advisors on the Board, as well as advisers from commercial galleries, as art relates to the spiritual and moral health of the nation.

The Accounts 2003-2004 mentions “Employee involvement and disabled persons” but makes no mention of the Regulations that came into effect in 2003 and how the Tate would try and comply for employees and visitors.

Employment

The Regulations apply to both private and public sector recruitment for any size business.

An acquisition from an artist is a form of employment. A financial deal over work and services done in providing a piece of artwork.

Tate has an open tender process and curators can select submitted work that is of interest to the Tate criteria of acquisition. The submission of works for purchase, exhibition or performance is an application for employment and would involve a contract (written or verbal).

As a potential self-employed contractor I was seeking a personal contract with Tate galleries. The self-employment would be a contract even if not described as such in the application.

The initial employers are seen as the curators at Tate galleries, but the main employer is

seen as Sir Nicholas Serota, who is accountable to Trustees.
The Trustees may also have inadvertently continued a culture of religious discrimination. Just as galleries can negatively influence the decision of curators the Trustees can negatively influence the decision of Serota. If Curators and Serota are influenced then this is also indirect discrimination. Presumably Serota is liable for curators as their "employer".

Offensive

Perhaps the Tate rejected my work because it was deemed offensive to faith groups. My work cannot be rejected due to this for the following reasons:

My work is a genuine artistic and religious expression. The history, power or size of a traditional religion is no reason to allow its believers to harass me over my freedom of expression. All these religions were originally new, small and differed to the older religions around them.

Artistic precedents have been set with derogatory/offensive work about Christianity, such as Andre Serrano's "Piss Christ" (1987). My work is less offensive than much of this and is less discriminatory against Christianity as it applies to all religions.

I am not harassing religions or degrading them, rather I am exploring issues of art and religious history, eg. my creation of the Rainbow Swastika may be seen as a reason

why my work is too controversial. However, this would be a prejudicial statement that does not look at the religious and intellectual reasons for my using the symbol. I have shown this work extensively, including at the Ben Uri (Jewish Contemporary Art) gallery, at Limmudfest (a Jewish festival), at Edinburgh Fringe (favourably reviewed in the Jewish Telegraph) and on Channel 5 to name a few.

The work is intended to create a humorous, peaceful and fun environment. This is designed to increase dignity and tolerance and reject bigotry and intolerance. Dignity could be defined as the ability to laugh at oneself rather than react violently. My work is positive towards religions and playful so who sees it as offensive, perhaps they are being vexatious and offensive themselves. If someone feels offended or harassed they have to show not just their feeling of being harassed but also that it was reasonable to react/feel in that way.

All faiths contain hateful statements towards other faiths. The reason that they now co-operate is through liberalisation, which my art is part of the process of (and which is part of the tradition that the Regulations also come from).

The Times Educational Supplement 25/2/5 quoted Rupert Kaye, the chief executive of the Association of Christian Teachers as saying that my “Divinityland” schools’ workshop was “demeaning to the faiths” but TES misrepresented my work to faith leaders and the issues it raises around liberalism, and it is

this liberalism that has led to the Regulation in the first place. It is interesting to note that TES also quoted Mr Kaye as saying “If this were in the Tate Modern I would take it with a pinch of salt…” implying he could easily imagine it being at Tate Modern.

Justification

The Tate needs to show why it has not behaved in a discriminatory and prejudicial manner.

The Tate must now show why they considered my work and ideas to be invalid. If the Tate does not agree with my arguments herein they must prove why my work and ideas are invalid.

The Tate must show how my work does not fit their GOR “belief” (contemporary arts theory). My having different views on art is not reason to reject me from an application for the job.

I am not looking for favourable treatment, just treatment in line with a recognition of my contribution to contemporary art.

Compensation

As compensation I would like to be one of the 4 shortlisted nominees for the 2006 Turner Prize. As the prize is for works from the previous year I would like to be nominated for making this complaint – and expanding the concepts and roles of art, religion and galleries.

This is not the reason that I have made this complaint, my reason is because I believe that I have been religiously discriminated against. This is a suggestion for compensation appropriate to the level of discrimination.

Not accepting the seriousness of my being shortlisted is a further example of discrimination and not having considered my work fairly.

I would like an opportunity to show my work, not as a peripheral event but as a proper exhibition given the weight that my work is due.

The selecting Jury is made of various figures from the world of contemporary art. Ensuring that the Jury shortlist my work would compensate both for direct discrimination from the Tate and for their indirect discrimination by accepting a culture of religious discrimination in the world of contemporary art.

I hope that you will recognise that you (Tate) have been discriminatory and that we can resolve this matter without recourse to Employment Tribunal.

OTHER QUESTIONS

As well as answering questions concerning application of the Regulations I would like an answer from the Tate over the following.

Why doesn't my religious work fit their current acquisitions criteria? The Tate must show how my work does not fit their GOR "belief" (contemporary arts theory).

Does Tate have a religious ethos or religious policy?

Does the Tate have issues of Equality and Religious Discrimination written into its acquisitions policy?

How do the Regulations fit with their current criteria?

How do they think their criteria should be adjusted to comply with the Regulations?

Do they think my work will, or will not, fit a fully compliant criteria?

Why does the Tate consult commercial galleries for its acquisitions but doesn't ask religious groups in general for advice on acquisitions?

What are the religious/belief views of Sir Nicholas Serota and the Board of Trustees at the Tate (particularly with regards to fundamental assumptions about art)?

What are the religious beliefs of Curators at the Tate, and what are their attitudes towards religion.

What are the religious beliefs of the artists whose work is shown at the Tate, and what are their attitudes towards religion

What is the religious make up of the staff at Tate Galleries.

What are the religious beliefs of visitors to the Tate Galleries.

What was the Tate's perception of my Religious beliefs at the time of my application?

What provision for, and application of, the new Regulations have been made?

Are the Regulations written into Tate Equal Opportunities documents or mission statements?

Are there prayer rooms or places of worship for staff?

Have there been other cases of Religious Discrimination at the Tate?

4. EMAIL TO PRIME MINISTER MR. TONY BLAIR

22 May 2006

Mr Tony Blair
The Prime Minister
10 Downing Street
LONDON
SW1A 2AA

Dear Prime Minister

Re: Employment Tribunals: Victimisation Claim and Correct Respondent

Further to my rejected application to exhibit and perform postmodern religious artworks at Tate Galleries - I submitted, to Sir Nicholas Serota, a Religious Discrimination questionnaire 20.09.05 and an ET1 claim 18.10.05.

In order to report on the case around this claim I made indirect criticism of Tate in 2 artworks via direct criticism of one of the Tate logo designs. These artworks are on my website "http://www.theism.co.uk"

Under the authority of the Tate Trustees the solicitors Bates Wells and Braithwaite wrote to me on a number of occasions (commencing 02.03.06) requesting that I remove the images from my website else face legal proceeding (over copyright infringement) for costs to the full extent of the law.

Pressure brought to bear by the solicitors on my web-host caused my web-host to remove my website. In order to get my website back online I had to move the images to an external Geocities site, with external links from "http://www.theism.co.uk"

Despite correspondence with Bates Wells and Braithwaite to state that my use of the Tate logo design is fair use for reporting and criticism according to the Copyright, Designs and Patents Act 1988 they have continued their pressure. This is despite pointing out to both themselves and the Trustees that:

Tate Britain's current exhibition (Tate Triennial) promotes appropriation art

Tate previously defended (on the grounds of fair use for purposes of criticism) Glenn Brown's short-listed Turner Prize 2000 appropriation art (The Loves of Shepherds (After Double Starr by Tony Roberts) 2000)

Tate have in their collection Hans Haacke's use of appropriated images eg "A Breed Apart" and this was promoted in a Tate conference "Open Systems" 16.09.05 – 18.09.05.

Release of information under the Freedom of Information Act concerning the Tate Triennial further shows that copyright clearance was not secured for the exhibition of many artists' work in Tate Triennial and the infringing work was printed in the Triennial's exhibition catalogue.

Tate's artistic policy appears to be that copyright appropriation is acceptable if it is someone else's copyright – however, the only copyright material that they have a right to let artist's use is Tate's own. Tate, however, objected to my completely legal use of their copyright material (Fair Use above).

I believe that this unequal treatment is victimisation arising from the fact that I have made a complaint of religious discrimination.

I have since complained to the Law Society about Bates Wells & Braithwaite's heavy handed tactics and to my MP Geraldine Smith about how large companies can bring pressure to bear on web-hosts and cause them to remove citizens' websites without trial – thus denying freedom of expression and religion.

In order to pursue the issue of victimisation I must put in a fresh claim to Employment Tribunal. My legal research suggest that this should be to the Prime Minister rather than the Trustees. I hope that you would be able to give me some clarity on this issue and say who it should be addressed to before I put in my victimisation claim.

The Museums and Galleries Act 1992 states that 11 of the 12 Tate Trustees should be appointed by the PM (apart from 1 appointed by the National Gallery Board – which is appointed by the PM (apart from 1 appointed by the Tate Board)).

This appointment gives rise to a mutually obligatory contract for the Trustee to

personally perform certain tasks. This falls within Section 6 (applicants and employees) and Section 10 (office holders) of the Employment Equality (Religion or Belief) Regulations 2003.

As the Trustees are “employees” according to the broader definition of the Regulations then their “employer” according to the broader definition must be the Prime Minister. As all claims to Employment Tribunal must be addressed to the “employer” then this means my victimisation claim should be addressed to the PM.

The Museum and Galleries Act 1992 states that Schedule 2 Section 1(2)(b) “1.-(1) Subject to sub-paragraph (3) below, the Board shall not be regarded as the servant or agent of the Crown or as enjoying any status, immunity or privilege of the Crown
(2) The Trustees and their staff shall not be regarded as civil servants and the Board’s property shall not be regarded as property of, or held on behalf of, the Crown.” This 1992 act, however, is overturned by the later Employment Equality (Religion or Belief) Regulations 2003.

Furthermore the 1992 Act Schedule 2 Section 1(2)(b) states “3.-(1) There shall be a Director of the Tate Gallery who shall be appointed by the Board with the approval of the Prime Minister. (2) The Director is responsible to the Board for the general exercise of the Board’s functions.”

The Tate Trustees Role Description for artists

says that “Tate will advise the Minister of Culture, Media and Sports of the candidates it recommends. The Minister will issue her recommendation to the Prime Minister for his consideration and agreement.”

It is unclear here whether “Tate” means the Board of Trustees, the Director (generally exercising the Boards functions) or both. If “Tate” means the Director or both then this means that the Director helps appoint the Trustees who appoint the Director. The only person with ultimate authority (to make appointments but not be appointed) is the PM – who approves appointment of the Director and appoints the Trustees.

As the PM is an “employer” of Tate Trustees this also implies that the Tate is a public body covered by the Human Rights Act – particularly with regards to Freedom of Expression and Religion.

I would be very grateful for your reply to this question “Is the Prime Minister the correct respondent or joint respondent with Tate Trustees to my Employment Tribunals claim of victimisation?” within the next 14 days.

Yours sincerely
Anthony Padgett cc Tate Trustees, Sir Nicholas Serota

5. EXHIBITION INVITATION

You are cordially invited to the Private View of

"TATE, RELIGION, DISCRIMINATION"

(exhibition to coincide with the Turner Prize).

Thursday 11th October 5.30pm - 7.30pm

WHERE: Unit C18 - next door to Tate Liverpool, Albert Dock.

WHEN: Exhibition open to the public from 12th October 2007 (Tues - Sun 10am - 6pm).

CONTACT: Anthony Padgett 07812 799521
info@theism.co.uk
www.theism.co.uk

The exhibition is about the religious artist Anthony Padgett's conceptual artwork, a 2 year case of religious discrimination against the Tate over the lack of regulation and the unfairness in the way the Tate select work - particularly with regards religious artists.

The exhibition coincides with this years Turner Prize at Tate Liverpool.

Tate have spent £19,750 on external legal help and an undisclosed sum, estimated £30,000, internally on the case.

On exhibition will be a 2 metre high, half-scale sculpture of the memorial to Sir Henry Tate, made of polystyrene cubes. It was Tate's rejection of Padgett's proposed performance

around this sculpture that is the basis of his complaint.

Also on exhibition will be selected case documents printed as 1.5 metre high protest banners.

The artist will be in the gallery for the duration of the exhibition, preparing for his Appeal, listed for hearing in London 16th November 2007.

The case has repercussions for selection of work on the basis of sex, disability, age and sexuality. These are all areas underrepresented in the gallery.

If successful performance artists will have the same rights as other workers. This will also set a precedent for accountability of selection of visual artists.

The Appeal Hearing will be:
16th November 2007
Audit House,
58 Victoria Embankment,
EC4Y 0DS

6. PRESS RELEASE NOVEMBER 2007

PRESS RELEASE

WHAT:
Appeal Hearing of Religious Discrimination Case
Mr A D Padgett vs Sir Nicholas Serota & Trustees of the Tate Gallery

WHERE:
Employment Appeal Tribunal,
Audit House,
58 Victoria Embankment,
EC4Y 0DS

WHEN: Friday 16th November 2007 10.30am

CONTACT: Anthony Padgett 07812 799521
info@theism.co.uk
www.theism.co.uk

CASE DETAILS

The Appeal Hearing of Unitarian Christian performance artist Anthony Padgett (over whether artists have the same rights as any other worker when making an application for employment) will be heard this Friday 16th November.

The case (which began in 2005 - before the cases of the teaching assistant in a veil and the BA worker's cross) also has repercussions for selection of work on the basis of sex,

disability, age and sexuality. These are all areas underrepresented in the gallery.

As the personal performance of work is covered by the Employment Equality Religion and Belief Regulations 2003 Padgett argues that performance art is also covered.

If successful performance artists will have the same rights as other workers. This will also set a precedent for accountability of selection of visual artists.

If successful the case can also go on to discuss the issue of Religious Discrimination as Padgett claims Tate galleries rejection of his proposal to make a performance around Unitarian Christianity, his religion and that of Sir Henry Tate, the founder of the Tate Galleries, was the result of institutional religious discrimination.

7. PRESS RELEASE February 2008

PRESS RELEASE - Court of Appeal Blocks Christian Artist's Claim That Tate Collects Satanic Art

Contact Anthony Padgett 07812 799521

Claims by Unitarian Christian Artist, Anthony Padgett, that the Tate Galleries collect Satanic Art and that Christian artists are discriminated against has been blocked by the Rt.Hon. Lord Justice Sedley of the Court of Appeal, Civil Division.

In his claim Padgett pointed to the acceptance of works such as Gilbert & George's “Shit Christ”, Sarah Lucas’ Christ made out of Cigarettes, and Chris Ofili's “The Holy Virgin Mary” depicting Mary surrounded by female genitals from pornographic magazines.

The Employment Appeal Tribunal had previously rejected the case on grounds that whilst Tate accepted Padgett's art proposal, a performance around the construction of a memorial to famous Unitarian Sir Henry Tate, they did not need to have any work to offer him. Sedley held instead that a proposal to place a work of art was accepted.

Despite this Sedley said that whilst discrimination may have occurred it would be too difficult to prove.

Padgett received his letter today 28.02.08